

Guidance Note for Extinguishment / Diversion Application

APPLYING FOR EXTINGUISHMENT / DIVERSION OF RIGHT OF WAY

- **Please discuss your proposed diversion/extinguishment with your local Rights of Way Area Officer initially who will be able to provide more information.**
- Application can be made online from County Council's website. Go to [Diversion or extinguishment of public right of way](#)
- NOTE: You will need to register to use this service. This will provide you with a secure account, enable you to track your orders and speed up future orders.
- Supporting documents
 - Proof of ownership
 - Written Consents from other effected party (if applicable)
 - Plan, at least scale of 1:2500 indicating
 - Any unaffected section of path as a dotted line
 - The section of the path to be extinguished as a solid black line
 - The new path to be provided as a broken black line
 - The position of any structures, proposed or existing
- Fee
 - £100 initial deposit (non-refundable)
 - £1075 plus £75 per each additional path to make Order
 - Advert cost on local news paper to advertise Order made
 - Advert cost on local news paper to advertise Order confirmed (if confirmed)

TYPE OF LEGISLATION

The Highways Act 1980

Section 118 (Extinguishment Orders)

Section 118 gives a highway authority the power to **extinguish** (remove its status as a public right of way) a footpath, bridleway or restricted byway. In making the order the authority must be satisfied that the path is not needed for public use.

Section 118B gives a highway authority the power to **extinguish** a footpath, bridleway, restricted byway or byway open to all traffic for the purposes of crime prevention or for reasons of school security.

Section 119 (Diversion Orders)

Section 119 of the Highways Act 1980 gives an authority the power to **divert** a footpath, bridleway or restricted byway in the interests of the owner, lessee or occupier of the land crossed by the path and/or in the interests of the public.

Section 119B gives a highway authority the power to **divert** a footpath, bridleway, restricted byway or byway open to all traffic for the purposes of crime prevention or for reasons of school security.

The Town and Country Planning Act 1990

Section 257 (Diversion And Stopping-Up Orders)

Section 257 gives an authority the power to **divert or stop up** (extinguish) any footpath, bridleway or restricted byway in order to enable development to be carried out:

- in accordance with planning permission granted under Part III of the Act or;
- by a government department.

Section 261 (Temporary Stopping-Up Orders)

Section 261 gives an authority the power to stop up or divert a footpath or bridleway for a period so that minerals can be extracted or the area used for landfill. The path must be restored afterwards to a condition not substantially less convenient to the public than the original.

Please note for Diversion Orders:

All structures (gates, stiles, etc.) must be specified in the application. Once the Order is made, any structures not listed would be illegal and would require separate authorisation (Section 147 - available for stock control only). This course of action is not recommended.

Please read: <http://www.buckscc.gov.uk/bcc/row/sec147.page>

All works must be agreed with the Rights of Way Officer.